

REMARKS

Applicants request favorable reconsideration and allowance of the subject application in view of the preceding amendments and the following remarks.

Drawings

In response to the objection to Figs. 11A, B, C stated in the Office Action, enclosed is a sheet of replacement drawings for Figs. 11A, B, C in compliance with 37 C.F.R. §1.84 and C 37 CFR 1.121(d). The replacement drawing corrects the informalities in Fig. 11A, 11B and 11C, i.e., deletes the caption and replaces the hand-written figure identifiers with typewritten Figure numbers. No new matter has been introduced and entry thereof is respectfully requested.

Priority

As required by the Examiner, applicant is filing concurrently herewith a Request for a Corrected Priority Data Sheet to reflect the priority claim to PCT/IL03/00375 filed 8 May 2003.

Claims

Claims 41-54 have been canceled, without prejudice to pursue the subject matter of all non-elected and canceled claims in one or more related applications

Claims 55-74 have been added and are pending.

The Examiner's indication that claims 50-52 contain allowable subject matter is acknowledged, with appreciation.

The pending claims are submitted to be allowable as all of the claims are based on the allowable subject matter of claims 50-52.

Claim 55 is now limited to platelets, and is believed to be allowable in view of the Examiner's indication of allowable subject matter if limited to platelets. Claim 56 is dependent on new claim 55 and includes the subject matter of now-canceled claim 44, limited to platelets. Claim 57 is dependent on new claim 56 and includes the details of now-canceled claim 45. Claim 58 is dependent on new claim 55 and includes the subject matter of now-canceled claims 46 and 47, but limited to platelets. Claim 59 is dependent on new claim 55 and includes the subject matter of now-canceled claim 50, limited to platelets. Claim 60 is dependent on new claim 59 and includes the subject matter of now-

canceled claim 51. Claim 61, dependent on new claim 59, includes the subject matter of now-canceled claim 24, and finds support on page 14, lines 2-3. Claim 62 is dependent on new claim 55 and includes the subject matter of now-canceled claim 53. Claim 63 is similar to the subject matter of now-canceled claim 54, but limited to platelets and dependent on new claim 62. Claim 64 is similar to the subject matter of canceled claim 20 and finds support on page 15, lines 12 through page 15, line 2, as well as page 16, lines 12-14. Claims 65-74 are directed to a method for inhibiting pathogen growth in a platelet-containing fraction. The method claims find support throughout the specification and originally-filed claims. Specifically, support may be found in Examples 1-8 which show inhibition of pathogen growth, i.e., number of pathogens over time, using the method of the invention. Claim 66 is similar to the subject matter of canceled claim 20 and finds support on page 15, lines 12 through page 15, line 2, as well as page 16, lines 12-14. Claim 67 is dependent on new claim 65 and includes the subject matter of now-canceled claim 44, limited to platelets. Claim 68 is dependent on new claim 67 and includes the details of now-canceled claim 45. Claim 69 is dependent on new claim 65 and includes the subject matter of now-canceled claims 46 and 47, but limited to platelets. Claim 70 is dependent on new claim 65 and includes the subject matter of now-canceled claim 50, limited to platelets. Claim 71 is dependent on new claim 70 and includes the subject matter of now-canceled claim 51. Claim 72, dependent on new claim 70, includes the subject matter of now-canceled claim 24, and finds support on page 14, lines 2-3. Claim 73 is dependent on new claim 65 and includes the subject matter of now-canceled claim 53. Claim 74 is similar to the subject matter of now-canceled claim 54, but limited to platelets and dependent on new claim 73.

No new matter has been added and entry of this amendment is respectfully requested.

The Section 112, second paragraph, rejection of claims 46-47 is moot in view of the above amendments. The rejected subject matter has been deleted, without prejudice, to advance prosecution. Withdrawal of the Section 112, second paragraph rejection is requested.

The Section 102(b) rejection of claims 41, 42, 44-47, 50-54 over Bitensky (US Patent No. 5,476,764) is moot in view of the above. Bitensky does not disclose or suggest the claimed method for treatment of platelets as it is directed to a method for storing red blood

cells. In any case, the rejected subject matter has been canceled and/or subject matter indicated as allowable has been added to the rejected subject matter to advance prosecution, without prejudice. Withdrawal of the Section 102(b) rejection is requested.

The Section 102(b) rejection of claims 41 and 42 over Amersi et al. is moot in view of the above. Amersi et al. teaches perfusing livers ex vivo with blood saturated with air containing 300 ppm carbon monoxide, which equals 0.03% carbon monoxide. In addition, Amersi does not disclose or suggest the claimed method for treatment of platelets. The amount of carbon monoxide that Amersi et al. uses, 0.03%, is insufficient to inhibit pathogen growth in a platelet-containing fraction, as claimed herein. In any case, the rejected subject matter has been canceled and/or subject matter indicated as allowable has been added to the rejected subject matter to advance prosecution, without prejudice. Withdrawal of the Section 102(b) rejection is requested.

The Section 102(b) rejection of claims 41-47, 53-54 over Brune et al. is moot in view of the above. Brune et al. discloses inhibition of platelet aggregation by carbon monoxide. Brune et al. is concerned with platelet function rather than with pathogen growth, as claimed herein. Brune et al. does not disclose or suggest a method for inhibiting pathogen growth in a platelet-containing fraction, or even recognize or appreciate that treatment of a platelet-containing fraction with carbon monoxide will inhibit pathogen growth. In fact, Brune et al. teaches away from a method of inhibiting pathogen growth in a platelet-containing fraction, because, at most, Brune teaches treating PrP by gassing with CO for a maximum of 2 minutes (see Figs. 1, 2, 8 and 9), which is insufficient time to inhibit pathogen growth. In any case, the rejected subject matter has been canceled and/or subject matter indicated as allowable has been added to the rejected subject matter to advance prosecution, without prejudice. Withdrawal of the Section 102 rejection is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested.

The Examiner is requested to contact the undersigned in the event anything further is required to place the application in condition for allowance.

Respectfully submitted,

23 JAN 07

Date



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